

CITY OF GAITHERSBURG  
MINUTES OF A CITY COUNCIL MEETING  
CITY HALL COUNCIL CHAMBERS  
**TUESDAY, JANUARY 22, 2013**

A Regular City Council was called to order with Mayor Katz presiding. Council Members present: Cathy Drzyzgula, Henry F. Marraffa, Jr., Michael Sesma, Ryan Spiegel. Staff present: City Attorney Lynn Board, City Manager Tony Tomasello, Municipal Clerk Doris Stokes.

**I. CALL TO ORDER**

**II. PLEDGE OF ALLEGIANCE**

The Pledge was led by Richard Knoebel, Gaithersburg, Maryland.

**III. INVOCATION**

In lieu of an invocation, Mayor Katz called for a moment of silence.

**IV. APPROVAL OF MINUTES**

**A. Regular Meeting of the Mayor and City Council Held December 17, 2012**

Motion was made by Henry F. Marraffa, Jr., seconded by Ryan Spiegel, that regular meeting minutes of the Mayor and City Council held December 17, 2012, be approved.

Vote: 4-0

**B. Regular Meeting of the Mayor and City Council Held January 7, 2013**

Motion was made by Michael Sesma, seconded by Cathy Drzyzgula, that regular meeting minutes of the Mayor and City Council held January 7, 2013, be approved.

Vote: 4-0

**C. Work Session of the Mayor and City Council Held January 14, 2013**

Motion was made by Cathy Drzyzgula, seconded by Henry F. Marraffa, Jr., that work session minutes of the Mayor and City Council held January 14, 2013, be approved.

Vote: 4-0

**V. APPOINTMENTS**

**A. Resolution of the City Council Confirming Appointments by the Mayor to the Olde Towne Advisory Committee and Police Advisory Committee**

This resolution confirmed the following appointments to the Olde Towne Advisory Committee, Dan Lane, 208 Park Avenue, #219, 20877 and Daniel Moss, 819 Diamond Drive, 20878, two-year terms; and the Police Advisory Committee, David Weber, 441 Palcid Street, 20878, two-year term.

Motion was made by Henry F. Marraffa, Jr., seconded by Ryan Spiegel, that a Resolution of the City Council Confirming Appointments by the Mayor to the Olde Towne Advisory Committee and Police Advisory Committee (Resolution No. R-1-13), be approved.

Vote: 4-0

**B. Resolution of the City Council Confirming Appointments by the Mayor to the Constitution Gardens Ad**

## **Hoc Improvement Committee**

Last year, as part of an overall review of Constitution Gardens, it was recommended that a Constitution Gardens Ad Hoc Improvement Committee be established, Resolution No. R-74-12. The charge of this committee included:

1. Reviewing existing conditions at the site
2. Identifying any commemorative plantings that may be restored or relocated, if needed
3. Reviewing information gathered by staff through outreach to the original donor base
4. Consulting with the Gaithersburg Police Department on safety and security issues related to renovation of the park
5. Gathering public input on potential improvements or modifications to the site
6. Compiling a list of prioritized options intended to increase the use of the park and its environs for presentation to the Mayor and City Council on or about April 1, 2013

It is anticipated that the committee will meet two or three times a month until April 1, 2013.

This resolution confirmed the appointments of Carolyn Bondy, Asbury Methodist Village, Courtyard Home, #302, 20877, Robin Cushing, 208 Park Avenue, #513, 20877, Jenny Gregory, 108 Brookes Avenue, 20877, Deanna Holford, 204 Park Avenue, #405, 20877, Joli McCathran, Gaithersburg/Washington Grove Garden Club, General Delivery, Washington Grove, Maryland 20880, Eydie Searles, 18 Walker Avenue, 20877, Joseph Tolker, 5 Lee Street, 20877, Barbara Tolker, 5 Lee Street, 20877, Kristina Pavlovic, 22 Brookes Avenue, 20877, and Dawn Studniarz, 102 Park Avenue, #404, 20877, indefinite terms.

Motion was made by Cathy Drzyzgula, seconded by Michael Sesma, that a Resolution of the City Council Confirming Appointments by the Mayor to the Constitution Gardens Ad Hoc Improvement Committee (Resolution No. R-2-13), be approved.

Vote: 4-0

### **C. Resolution of the City Council Confirming a Reappointment by the Mayor to the Ethics Commission**

This resolution confirmed the following reappointment to the Ethics Commission, Sally Marchessault, 432 Inspiration Lane, 20878, three-year term.

Motion was made by Michael Sesma, seconded by Henry F. Marraffa, Jr., that a Resolution of the City Council Confirming a Reappointment by the Mayor to the Ethics Commission, (Resolution No. R-3-13), be approved.

Vote: 4-0

### **D. Resolution of the City Council Confirming an Appointment by the Mayor to the Commission on Landlord-Tenant Affairs**

This resolution confirmed the following appointment to the Commission on Landlord/Tenant Affairs, David Meit (Landlord Alternate), 333 Main Street, 20878, three-year term.

Motion was made by Cathy Drzyzgula, seconded by Michael Sesma, that a Resolution of the City Council Confirming an Appointment by the Mayor to the Commission on Landlord-Tenant Affairs (Resolution No. R-4-13), be approved.

Vote: 4-0

## **VI. OATH OF OFFICE**

### **A. Ethics Commission – Sally Marchessault**

Mayor Katz administered the Oath of Office to Sally Marchessault.

**B. Commission on Landlord-Tenant Affairs - David Meit (Landlord Alternate)**

Mayor Katz administered the Oath of Office to David Meit.

**VII. PRESENTATIONS**

**A. Presentation of Dr. Martin Luther King, Jr. Literary Arts Contest Winners**

For the 22nd year the City of Gaithersburg and the Gazette Newspapers (Trina Lapier, Chief Marketing Office) sponsored the Dr. Martin Luther King, Jr. Literary Arts Contest for Gaithersburg area students. This year's theme was "His Dream, iAct, We Change!". The essays were judged and scored by members of the City's Multicultural Affairs Committee and the Educational Enrichment Committee. The following winners were recognized: Betel Tenna, 5th grader at Goshen Elementary School, Coronado Bolanos, 5th grader at Strawberry Knoll Elementary School, Grace Harvey, 5th grader at Strawberry Knoll Elementary School. In addition, Gaithersburg's Junior Mayor Maya Walker, 5th grade student at Gaithersburg Elementary School was recognized for being selected by Montgomery County as one of the winners of its county-wide Dr. Martin Luther King, Jr. Literary Arts Contest.

**B. Summary of the 2012 City Holiday Giving Program**

Community Services Division Chief Herndon provided a summary of the 2012 Holiday Giving Program to the Mayor and City Council and community. Through the generosity of City businesses, congregations, clubs, youth groups and families, over 800 Gaithersburg families were served at Thanksgiving and also during the December holiday distribution. Community Services staff, the county-wide Holiday Giving Coordinating Committee/Agency and the many volunteers were recognized and applauded for their efforts.

**C. Staff Presentation on Large City Events**

Arts and Events Division Chief Kayser gave an update on the current process and evaluation of the City's large events and provided a PowerPoint presentation of the proposed changes. Staff is seeking to improve the quality and broaden appeal, define objectives and mission of each event; measure outcomes; consider the City's current and evolving demographics and the goals of the business community; and evaluate existing and potential partners in the production of major City events. Staff was thanked for their research and directed to schedule a work session to receive public input and discuss further the concerns such as funding, proposed dates, impact on area businesses, scheduling of vendors and more. It was noted that before any of the proposed changes are made, input from the public will be received and the matter will have to go through the City's budget process.

**VIII. PUBLIC COMMENTS**

*(Public is invited to speak on any subject that is not a public hearing topic on tonight's agenda - each speaker three minutes.)*

No speakers from the public.

**IX. FROM THE MAYOR AND CITY COUNCIL/ANNOUNCEMENTS**

**Council Vice President Sesma**

1. Participated in the Presidential Inaugural weekend activities and Dr. Martin Luther King, Jr., events. He congratulated the Dr. Martin Luther King, Jr. Literary Arts Contest winners.
2. Attended the National League of Cities Leadership meeting and shared the major issues discussed. Reported that the League drafted a letter following the Newton, CT tragedy, asking Congress to take action to reduce gun violence. Other immediate priorities were immigration reform, the fiscal cliff, establishing a budget for the United States, protecting local revenues and online sales tax.
3. Announced that a closed executive session was held at approximately 8 p.m. on Monday, January 7th at City Hall, pursuant to the State Government Article of the Annotated Code of Maryland, Section 10-508(a)(4) to consider a matter for a business to expand or remain in the State. The closed session adjourned at approximately 8:45 p.m.

### **Council Member Drzyzgula**

1. Attended the Wells/Robertson House Holiday Potluck Dinner.
2. Attended the Maryland Municipal League's opening reception for the legislative session.
3. Congratulated co-chairs Multicultural Affairs Committee member Charlemagne Orisme and Monica Granados and announced upcoming events such as the Asian Heritage Month celebration. The committee is seeking ideas from residents that have an interest in assisting with the celebration.
4. Reported that the Environmental Affairs Committee met and currently are reviewing the guidelines for the environmental awards program. Applications will be received in the future. The committee is seeking to have businesses expand their environmental efforts.
5. Attended the Economic and Business Development Committee breakfast and the guest speaker was Montgomery County Councilmember George Leventhal. The hot topic was the need for transportation funds.
6. Attended the Chesapeake Bay Water Quality meeting at COG and began to participate on a state task force that is seeking to set a state policy for growth which is part of the watershed improvement plan. The State drafted a policy last year and received comments for amendments.
7. Attended the COG Board of Director's meeting and reported that Activity Centers were adopted under the Region Forward Sustainability Plan which the City is participating in and has scheduled a work session to further discuss the plan's goals. Reported that Gaithersburg has several centers at Gaithersburg Metropolitan Grove, Gaithersburg Kentlands, Gaithersburg Central and the Life Science Center at Gaithersburg Crown. Thanked the Planning Department staff for outlining areas for activity centers.
8. Announced that three public meetings have been scheduled for the purpose of soliciting comments on the use of Community Development Block Grant (CDBG) funding. The meetings are as follows: February 7th and 20th, 7 pm at the Activity Center at Bohrer Park and February 12th, 7 p.m. at City Hall. For more information contact [lkauffmann@gaithersburgmd.gov](mailto:lkauffmann@gaithersburgmd.gov) or **301-258-6320**.

### **Council Member Marraffa**

1. Attended the Wells/Robertson Holiday Potluck Dinner.
2. Attended the Wells/Robertson House Board meeting and mentioned the Denims and Diamonds Gala scheduled for April.
3. Attended the Economic and Business Development Committee Breakfast which was well attended.
4. Attended the National League of Cities (NLC) inauguration day event in Washington, D.C. and watched the parade. Several members of the NLC attended and stay at area Gaithersburg hotels.

### **Council Member Spiegel**

1. Attended the Dr. Martin Luther King, Jr. event and echoed congratulation to the Literary Arts Contest winners.
2. Thanked and congratulated all commission and committee volunteers for serving the community.
3. Thanked Community Services staff for their efforts during the Holiday Season Giving Program.
4. Reported that the region will face the coldest night in four years and encouraged residents to stay safe and warm.

5. Mentioned that State Comptroller Franchot visited the City on January 10th and provided proclamations to the Wine Harvest in the Kentlands and the Gaithersburg-Washington Grove Firehouse. Reported that the firehouse is the busiest in the county and may be the busiest in the State. Thanked the volunteer firefighters for their hard work.
6. Thanked County Councilman George Leventhal for speaking at the City's Economic and Business Development breakfast.
7. Reported that the County Council voted to approve some direction to its independent research branch which is called the Office of Legislative Oversight (OLO) to work on the Municipal Tax Duplication issue. Gaithersburg and other jurisdictions around the county have been working hard to resolve with the county government the issue of paying taxes to both county and city when one does not provide such services. A work plan was approved by the County Council and recommendations on moving forward are expected.
8. Mentioned that in the wake of the Newton, CT tragedy, he asked City Attorney Board to do a quick review of what the City's gun laws currently are and to review jurisdictional and legal issues. Suggested a discussion in the coming months, if appropriate.
9. Attended and enjoyed the Presidential Inauguration Day event.
10. Announced that the District 17 Delegation extended an invitation for interested constituents to join them for a "Legislative Evening in Annapolis" on Monday, February 18th from 6 to 8 p.m. The evening will include a light buffet and an opportunity to connect with members of the District 17 team. The City will sponsor bus transportation, but noted that space is limited. For more information contact Monica Sanchez at **301-258-6310** by February 11th.
11. Congratulated the Baltimore Ravens on winning the AFC championship to advance to Super Bowl XLVII. Urged all Marylanders to get behind the Ravens for the next two weeks.

### **Mayor Katz**

1. Announced that on Monday, January 28th, the Mayor and City Council will conduct a work session to receive a staff briefing on Region Forward Plan Targets and City Performance.
2. Announced that the next regular meeting is scheduled for Monday, February 4th.

## **X. FROM THE CITY MANAGER**

1. Reported that he met with Principal Dr. Christine Handy-Collins at Gaithersburg High School and took a tour of the newly renovated school. He also had an opportunity to discuss summer employment and internships for the school and signage proposal partnership for MD Route 355.
2. Stated that there has been ongoing contact with county staff on the potential county funding for the Gaithersburg Aquatic Center renovations. Reiterated that all improvements would have to be approved by the County Council. Reported that structural repairs have not begun as yet. Expected completion by summer.

## **XI. ECONOMIC DEVELOPMENT UPDATE**

### **Economic Development Director Lonergan**

1. Attended the Maryland Economic Development Association (MEDA) Winter Conference in Annapolis, MD and reported that transportation funding was the focus of discussion.
2. Announced that Gaithersburg based biotech firms have made headlines. It was reported in the news that OpGen (optical mapping systems) received \$7M in venture capital investment in the 4th quarter in 2012 and GlycoMimetics (cancer and infectious diseases) announced the completion of enrolling patients in its Phase II study. Will meet with management to discuss their progress and the next

steps.

3. Announced that staff had begun working on the new Request For Proposal for the 315 East Diamond Avenue site in Olde Towne. The proposals will come before the Mayor and City Council for feedback during the February 19th meeting.

## XII. PUBLIC HEARING

### **Surplus Land Hearing, Consideration for Disposition of Property Owned by the City of Gaithersburg, Located at 321 Firehouse Lane**

City Manager Tomasello presented the public hearing. Pursuant to City Code, the property being considered for disposition must be declared surplus by the Mayor and City Council. Under consideration for disposition is the Kentlands Firehouse situated on 8,700 sq. ft of land. The property, owned by the City of Gaithersburg, is located at 321 Firehouse Lane and is more fully described as Parcel A Kentlands Old Farm. Notice of the hearing had been posted on the City's website for 25 days and notice was posted at the property on December 28, 2012. Staff recommended holding the record open until 5 pm on Wednesday, January 30th.

Speaker from the public:

*Jennifer O'Brien, 111 Hart Road, lives near the Firehouse and served on the Request For Proposal (RFP) Committee. Questioned proceeding with surplus before hearing results from the RFP.*

City Manager Tomasello responded that the City began to surplus the property and interrupted it to form a committee to go through the process. In order to announce the best qualified to negotiate with the City, the property would need to be declared surplus. Following the closing of the record, the City would make an award and enter into negotiations.

There were no other speakers from the public.

## XIII. POLICY DISCUSSION

*(Discussion by the Mayor and Council about previous public hearing topics and other policy matters.)*

- A. **CTAM -1439-2012, An Ordinance to Amend Chapter 24 (City Zoning Ordinance), Article I, Entitled, "In General," § 24-1, Entitled, "Definitions," Article III, Entitled, "Regulations Applicable to Particular Zones," Division 11, Entitled, "C-1 Zone, General Commercial," § 24-112, uses Permitted as Special Exceptions," Division 12, Entitled, "C-2 Zone, General Commercial," § 24-118, Uses Permitted as Special Exceptions," Division 14, Entitled, "I-1 Zone, Light Industrial," § 24-136, Entitled, "Uses Permitted by Right," so as to Provide New Standards for Fortune Telling Uses**

Planning Director Pruss presented the policy discussion. A joint public hearing was held on December 3, 2012. No written or verbal testimony regarding the proposed amendment had been received. The Planning Commission unanimously recommended approval at their January 2, 2013 meeting.

Motion was made by Michael Sesma, seconded by Ryan Spiegel, that CTAM-1439-2012, An Ordinance to Amend Chapter 24 (City Zoning Ordinance), Article I, Entitled, "In General," § 24-1, Entitled, "Definitions," Article III, Entitled, "Regulations Applicable to Particular Zones," Division 11, Entitled, "C-1 Zone, General Commercial," § 24-112, uses Permitted as Special Exceptions," Division 12, Entitled, "C-2 Zone, General Commercial," § 24-118, Uses Permitted as Special Exceptions," Division 14, Entitled, "I-1 Zone, Light Industrial," § 24-136, Entitled, "Uses Permitted by Right," so as to Provide New Standards for Fortune Telling Uses (Ordinance No. O-1-13), be adopted.

Vote: 4-0

- B. **An Ordinance to Amend Chapter 15 of the City Code Entitled "Offenses - Miscellaneous," so as to Repeal**

## **Section 15-3, Entitled "Fortunetelling Prohibited; Exception" to Remove the Prohibition of Fortunetelling in the Incorporated City Limits**

City Attorney Board presented the proposed ordinance for policy discussion. The ordinance was discussed during the work session held on September 24, 2012 and a public hearing held on December 3, 2012. No written or verbal testimony regarding the proposed amendment had been received. Concurrent with the ordinance, staff recommended amendments to the Zoning Ordinance to regular the zoning districts in which fortune telling will be permitted or special exception use. Prohibiting in various areas was questioned.

Motion was made by Michael Sesma, seconded by Ryan Spiegel, that An Ordinance to Amend Chapter 15 of the City Code Entitled "Offenses - Miscellaneous," so as to Repeal Section 15-3, Entitled "Fortunetelling Prohibited; Exception" to Remove the Prohibition of Fortunetelling in the Incorporated City Limits (Ordinance No. O-2-13), be adopted.

Vote: 4-0

### **XIV. FROM THE CITY ATTORNEY AND OTHER STAFF**

#### **City Attorney Board**

Council Vice President Sesma questioned the PEPCO installation in areas of Gaithersburg without proper notice to the residents giving them the option to opt out. Suggested a letter of complaint be sent to PEPCO and the Public Service Commission (PSC). Concerns were also expressed in regards to Smart Meters in other areas, installation schedule, and late notification for work. City Attorney Board stated that there are ongoing proceedings with PSC and agreed to send a letter for the record.

### **XV. ADJOURNMENT**

There being no further business to come before the Mayor and City Council during this session, the meeting was duly adjourned at approximately 9 p.m.